

The Honorable Robert J. Bryan

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

ISAAC A. WITTENBERG,

Defendant.

CR13-5400-RJB

PROTECTIVE ORDER

This matter, having come to the Court's attention on the motion of the parties for entry of a discovery protective order, and the Court, having considered the motion, and being fully advised in this matter, hereby enters the following PROTECTIVE ORDER:

1. Protected Material.

The following documents and materials are deemed Protected Material:

- i. Grand Jury transcripts and exhibits;
- ii. Certain witness statements, including but not limited to reports of law enforcement officers memorializing witness statements, as designated by the government; and
- iii. Certain personal information related to victims and/or witnesses, as designated by the government, and certain documents containing any statements and/or documents containing personal information related to any victims and/or witnesses, as designated by the government. As used in this Order, the term "personal information"

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1 refers to each victim and/or witnesses' date of birth, Social Security number (or other
2 identification information), driver's license number, address, telephone number, location
3 of residence or employment, school records, juvenile criminal records, and other
4 confidential information.

5 The United States will make available copies of the Protected Material, including
6 those filed under seal, to defense counsel to comply with the government's discovery
7 obligations. Possession of copies of the Protected Material is limited to the attorneys of
8 record, and investigators, paralegals, law clerks, experts and assistants for the attorneys of
9 record (hereinafter collectively referred to as "members of the defense team"):

10 The attorneys of record and members of the defense team may share and review
11 the Protected Material with the Defendants. The attorneys of record and members of the
12 defense team acknowledge that providing copies of the Protected Material to the
13 Defendant and other persons is prohibited, and agree not to duplicate or provide copies of
14 the Protected Material to the Defendant and other persons. The exception to this
15 prohibition is the dissemination of electronic copies to the Federal Detention Center at
16 SeaTac, Washington, for use in a controlled environment by Defendant, who is currently
17 in custody there. The United States Attorney's Office for the Western District of
18 Washington is prohibited from providing copies of the Protected Material to non-law
19 enforcement witnesses or potential witnesses.

20 Any violation of these prohibitions constitutes a violation of the Protective Order.
21 Further, the attorneys of record are required, prior to disseminating any copies of the
22 Protected Materials to members of the defense team, to provide a copy of this Protective
23 Order to members of the defense team, and obtain written consent by members of the
24 defense team of their acknowledgment to be bound by the terms and conditions of this
25 Protective Order. The written consent need not be disclosed or produced to the United
26 States unless requested by the Assistant United States Attorney and ordered by the Court.

27 Nothing in this order should be construed as imposing any discovery obligations
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1 on the government that are different from those imposed by case law and Rule 16 of the
2 Federal Rules of Criminal Procedure.

3 2. Filing

4 Any Protected Material that is filed with the Court in connection with pre-trial
5 motions, trial, or other matter before this Court, shall be filed under seal and shall remain
6 sealed until otherwise ordered by this Court. This does not entitle either party to seal
7 their filings as a matter of course. The parties are required to comply in all respects to the
8 relevant local and federal rules of criminal procedure pertaining to the sealing of court
9 documents.

10 3. Nontermination

11 The provisions of this Order shall not terminate at the conclusion of this
12 prosecution.

13 4. Violation of Any Terms of this Order

14 Any violation of any term or condition of this Order by the Defendant, his
15 attorneys of record, any member of the defense teams, or any attorney for the United
16 States Attorney's Office for the Western District of Washington, may be held in contempt
17 of court, and/or may be subject to monetary or other sanctions as deemed appropriate by
18 this Court.

19 If the Defendant violates any term or condition of this Order, the United States
20 reserves its right to seek a sentencing enhancement for obstruction of justice, or to file
21 any criminal charges relating to the defendant's violation.

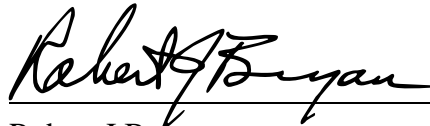
22 5. Right to Review

23 The parties agree that in the event that compliance with this Order makes it
24 difficult for defense counsel to adhere to their Sixth Amendment obligations, or otherwise
25 imposes an unworkable burden on counsel, defense counsel shall bring any concerns
26 about the terms of the Order to the attention of the government. The parties shall then
27 meet and confer with the intention of finding a mutually acceptable solution. In the
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1 event that the parties cannot reach such a solution, defense counsel shall have the right to
2 bring any concerns about the scope or terms of the Order to the attention of the Court.

3 The Clerk of the Court is directed to provide a filed copy of this Protective Order
4 to all counsel of record.

5 DATED this 23rd day of August, 2013.

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9 Robert J Bryan
10 United States District Judge
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14 Presented by:

15 s/ Catherine L. Crisham

16 CATHERINE L. CRISHAM

17 Assistant United States Attorney

18 700 Stewart Street, Suite 5220

19 Seattle, Washington 98101-1271

20 Phone: (206) 553-8451

21 Fax: (206) 553-0755

22 Email: Catherine.Crisham@usdoj.gov
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